

## Selectmen's Minutes

March 19, 2007

Present: Chairman Jeffrey D. Jones, Selectman Mark W. Lynch, Selectman A. Raymond Randall, Jr.

Also Present: Town Administrator Brendhan Zubricki

At 8:00 p.m. Chairman Jones called the meeting to order in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. Susan Coviello, a member of the School Committee, asked the Selectmen if they knew when the next School Building Committee update meeting for the public was going to be held. No one did.

A motion was made, seconded, and unanimously Voted to sign the weekly warrant in the amount of \$521,954.40.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the March 12<sup>th</sup>, 2007 Selectmen's meeting.

Rolf Madsen, Chairman of the Conomo Point Planning Committee, as well as committee members Susan Coviello, Gordon Martin, and Jim Witham joined the Selectmen to discuss the Conomo Point Article for the Annual Town Meeting. After a great deal of discussion, it was agreed that Mr. Zubricki and Town Counsel would draft two articles to add to the Town Warrant which would be discussed at this Wednesday's meeting of the Conomo Point Planning Committee. After review by the Planning Committee, they may be reviewed by Town Counsel again and the Selectmen will review on March 26<sup>th</sup> for incorporation into the Warrant.

One article (to appear second on the warrant) will include:

- A list of properties to be sold that is comprised of only those south of Robbins Island Road (the list will be arrived at by including the specific lots from the lease cards);
- The Chapter 30B Special Act language that Attorney Gregg Corbo has already crafted;
- Language that authorizes the Selectmen to restrict the sold properties to seasonal use.

The other article (to appear first on the warrant) will include:

- A list of properties to be sold that is comprised of all those south of Robbins Island Road PLUS all properties on Beach Circle PLUS all properties on Robbins Island (with the exception of the one, privately-owned parcel). As above, the list will be arrived at by including the specific lots from the lease cards;

- The Chapter 30B Special Act language that Attorney Gregg Corbo has already crafted;
- Language that authorizes the Selectmen to restrict the sold properties to seasonal use;
- Language that authorizes the Selectmen to place the actual proceeds from the sale of the properties into an interest-bearing trust fund that requires the original amount of the proceeds never to be spent and that requires the interest to be broken into two components: 1) an amount to be added to the original proceeds to adjust for annual inflation, and 2) the remainder to be spent on education, senior citizen issues, and recreation;
- Language that requires that the remaining property (i.e. the property that will not be sold) to have a combined wastewater design flow of less than 10,000 gallons per day;

Between now and the actual Town Meeting on May 7, it was agreed to ask Town Counsel to summarize in a letter their advice in relation to the issues at Conomo Point on the following (to be used as backup information at Town Meeting):

- Chapter 30B;
- Seasonal use restriction;
- Use of proceeds and associated interest;
- Zoning/creation of new lots for sale;
- Dimensional restrictions on building footprints.

In other business, the Selectmen were reminded of the Evening Business Exchange on Tuesday, March 27 at the Sawyer Free Library from 5:00 to 7:00 p.m.

A motion was made, seconded, and unanimously Voted to approve the request from the Essex Youth Commission to use Centennial Grove for their annual Easter Egg Hunt on April 7<sup>th</sup>, 2007 between the hours of 9:00 a.m. and 1:00 p.m. (Rain date: April 14<sup>th</sup>, 2007.)

After reviewing letters of request, a motion was made, seconded, and unanimously Voted to waive the commercial clamming license application deadline for Edward Mulry, Michael Burns, Peter Wilson, and Ronald Hemeon.

A motion was made, seconded, and unanimously Voted to approve a Gravel Pit Permit to Curlew Cove Realty Trust for the operation of a gravel pit at 53-57 and Rear John Wise Avenue.

Selectman Lynch presented a draft for review of a Vicious Dog Bylaw that he had pieced together after consulting with various officials and reviewing bylaws from other towns to

be placed on the Warrant for Town approval at the Annual Town Meeting in May. The Selectmen felt that this would be valuable guidance and support for the proposed Dog Officer position. The Board asked Mr. Zubricki to have the draft reviewed by Town Counsel with the hopes of including it in the Warrant that will be signed at the March 26<sup>th</sup> meeting.

Mr. Zubricki distributed a draft memo concerning the use of e-mail for the Board to review and potentially release at the next meeting.

Mr. Zubricki conveyed to the Selectmen, Attorney Corbo's suggestion to reach out to Ms. Venti in consideration of the Venti District Court complaint. The Selectmen decided not to intervene based on past experience.

A motion was made, seconded, and unanimously Voted to ratify Mr. Zubricki's signature on a letter for the Essex Fire Department concerning the Town's participation on the Southern Essex Regional Emergency Planning Committee.

Selectman Randall reported that he was still working on formulating a Charge for the Long-Term Planning Committee and asked that the discussion of the Charge be continued to the next Board of Selectmen's meeting.

Mr. Zubricki said that he expects to have the final plans for review of the Story Street sidewalks within the next week by the end of March. The Board indicated that Mr. Zubricki should circulate the final draft plans to all three BOS members in the event they have any final comments.

The Selectmen discussed an invoice submitted by H.L. Graham Associates, a consulting company often used by the Planning Board. The company was subpoenaed to discuss a job involving Joan Bucklin on Story Street that they had worked on for the Planning Board and submitted an invoice to the Planning Board to cover the expenses they incurred as a result of the subpoena. The Planning Board has no money to pay the invoice. The Selectmen asked Mr. Zubricki to inquire whether this invoice represented the total amount that the company would be seeking in this matter. A motion was made, seconded, and unanimously Voted to pay the invoice to H.L. Graham Associates if it included all of the charges that the company intended to submit regarding the Bucklin case.

Mr. Zubricki reported that Sandra Pelkie-MacIntyre had moved to Gloucester recently and had therefore forfeited her position on the Council on Aging. He presented a note from the Chairman of the Council, Roger Lander, asking that Rosemarie Carr be appointed to fill the vacancy. The Selectmen requested that Mr. Zubricki ask Ms. Carr for a letter of interest and that she make an appointment to meet with the Selectmen at one of their next meetings to get acquainted. Mr. Zubricki said he would also inform her that he was mandated by State law to run a Criminal Offender Record Information (CORI) check.

Mr. Zubricki reported that the Town Accountant had said that it would be possible to add the snow and ice expenses as budget items. This would allow the articles for these items to be removed from the warrant for the Annual Town Meeting in May. The Selectmen were in favor of creating the budget items.

Mr. Zubricki displayed two letters recently received from T. Gates in Manchester-by-the-Sea regarding the proposed tennis courts for the new school. The Selectmen requested that they be placed in the "Reading Folder" for future review.

Mr. Zubricki updated the Selectmen on a complaint letter received from a Dodge Street resident concerning the alleged effects of a broken storm drain pipe on the subject property. He said he had forwarded a copy to Paul Goodwin at the Department of Public Works and a copy to the Town's insurance carrier. Mr. Zubricki is waiting for Paul Goodwin's comments concerning the situation.

Citing the need to move to Executive Session to discuss collective bargaining issues with the Essex Police Benevolent Association, the Chairman entertained a motion to hold a Roll Call Vote. The motion was made, seconded, and per a unanimous Roll Call Vote moved to Executive Session. Town Administrator Brendhan Zubricki was invited to attend.

The Board returned to regular session at 9:40 p.m. There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Prepared By: \_\_\_\_\_

Attested By: \_\_\_\_\_